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Turner, Testifying in Snepp Case, Says Book by Ex-Agent Has Hurt C.I.A.

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ALEXANDRIA, Va., June 20—Adm. Stansfeld Turner, the Director of Central Intelligence, said in Federal District Court here today that damage had already been done to the Central Intelligence Agency by the unauthorized publication of "Decent Interval," a book about the fall of Saigon, and that even more could result unless the Government wins its civil suit against the author, Frank W. Snepp 3d.

"If he is able to get away with this, will appear that we have no control" over intelligence secrets, Admiral Turner said after being called as a Government witness on the first day of the hearing.

He said that by allowing the book to be published without first submitting it to C.I.A. for review, Mr. Snepp, a former officer of the intelligence agency, not only had violated a "secrecy agreement" that he had signed, but also had "flaunted the basic system of control that we have." He said that this, in turn, would make other governments and intelligence sources reluctant to share information with the C.I.A. because it would appear that the agency could not protect its secrets.

Admiral Turner's testimony came as the Government began its civil suit against Mr. Snepp, in which it seeks to prohibit further distribution of his book, enjoin him from any further writing or speaking about the C.I.A., and to obtain, as damages, all royalties from the book.

All the evidence in the case, in which the Government is seeking for the first

time to affirm the validity of secrecy agreements required of C.I.A. employees, was submitted by 5:25 P.M. today, and final arguments are scheduled for tomorrow at 10 A.M.

After that, Federal District Judge Oren R. Lewis, who is hearing the case, can either give a ruling from the bench or take the matter under advisement and defer a decision until a later date.

Mr. Snepp and his attorneys have argued that he did not breach his agreement with the C.I.A. because, although his book is highly critical of the agency's performance in the last days of the Vietnam War, he did not reveal any classified information that the agency itself had not already made public.

In addition, they have tried to argue that the agency itself breached its agreement with Mr. Snepp by not affording him a mechanism for expressing his complaints about the evacuation of Saigon within the agency itself.

Proceeds Total \$60,000

They also attempted to argue today that, even if the Government showed that Mr. Snepp did breach his agreement, it had not yet been able to show any specific damage sufficient to warrant seizure of the proceeds of the book, which have totaled about \$60,000 to date.

These arguments, however, did not appear to impress Judge Lewis, who suggested that, along with the question of whether the secrecy agreement on its face violates the First Amendment protections of free speech, they would probably be argued again in Richmond, which is the seat of the United States Court of Appeals for the Fourth Circuit.

"I'm certain you're en route to Richmond," the judge told Mark H. Lynch, who is representing Mr. Snepp on behalf of the American Civil Liberties Union. "I'll show you the way. It's right down Route 195."

"I know the way," Mr. Lynch replied. Hearing a day-long session that involved constant and occasionally acrimonious bickering between Judge Lewis and Mr. Snepp and his attorneys, the 75-year-old judge said repeatedly that, in his view, the case was a simple matter of contract.

"This case is limited to one thing: whether the C.I.A. has the legal right to enjoin this man for doing what he admits he has done," Judge Lewis said at one point.

Request for Jury Denied

Largely because of this, he refused Mr. Lynch's request for a jury to hear the case, saying that all that remained to be decided were questions of law, not of fact.

Among the issues that Mr. Snepp and his attorneys wanted to raise to a jury was the question of whether he had been deceived by C.I.A. officials when he first signed a secrecy oath after joining the agency in 1968.

Judge Lewis first refused to permit this testimony because Mr. Snepp said he could not identify positively the official who, he said, had assured him that the agreement was not to be taken literally or enforced strictly, and that he would have "discretion" in deciding what could be revealed.

"I'm not going to permit him to vary the terms of the contract" on what he

recalls as the interpretation "of an unnamed man," the judge said. "I'm not going to let him rest on a phantom."

Later, however, after the jurors had been released, Mr. Snepp said that he was reasonably sure the official in question was Robert B. Griffin, whom he did not know by name but believed he recognized. But, when Mr. Griffin took the stand, he said he could not recall Mr. Snepp and could not recall giving such advice to anyone.

Mr. Snepp, who is 35 years old, a veteran of eight years in the C.I.A. and who served two tours of duty in Vietnam, said under oath that he did not think he had violated his agreement because he believed that it required him only to submit classified information for prior review.

This was greeted with a show of open skepticism by Judge Lewis, who at one point asked him if he was a college graduate at the time he signed the agreement, and who shortly thereafter asked him if he had been "well versed in the English language" at the time. Mr. Snepp, a 1965 graduate of Columbia University who majored in Elizabethan literature, replied in the affirmative to both questions.

The Government's case is being handled by Glen V. Winkler and his wife, Elizabeth Gere Winkler, and by a third colleague, Brook Hedge. They argued today that the agreement required Mr. Snepp to submit all writings for review, regardless of whether they contained classified information, and that the Government was not required to show specific damages to be awarded the proceeds of his book.

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